

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>BARTOLOME, <i>et al.</i>,</b>	§	
	§	
<b>Plaintiffs,</b>	§	
<b>VS.</b>	§	<b>CIVIL ACTION NO. H-04-3898</b>
	§	
<b>UNITED STATES OF AMERICA, <i>et al.</i>,</b>	§	
	§	
<b>Defendants.</b>	§	

**MEMORANDUM AND ORDER**

On February 16, 2006, the Court ordered Plaintiffs to submit proof of service of the Complaint upon the United States on or before March 8, 2006. On March 8, Plaintiffs represented to the Court that they had served the United States, on February 20, 2005, with a copy of the Complaint that was missing several pages and that included pages from a Complaint filed in a separate and unrelated case. Plaintiffs also submitted proof that an accurate copy of the Complaint was served upon the United States on March 8, 2006.

Neither of these attempts at service complies with FED. R. CIV. P. 4. Service of an inaccurate copy is, of course, inadequate to apprise a defendant of the claims asserted against it. And the March 2006 service occurred more than a month after the deadline imposed by Rule 4(m). Accordingly, Plaintiff's claims are hereby **DISMISSED WITHOUT PREJUDICE TO REFILING.**

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas, on this the 29th day of March, 2006.

A handwritten signature in dark ink, appearing to read "Keith P. Ellison", written over a horizontal line.

KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES  
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY  
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH  
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**